

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

MAURICE A. VIOLETTE,

Plaintiff,

v.

INTERSTATE BRANDS CORPORATION

Defendant.

RECEIPT # \_\_\_\_\_  
AMOUNT \$ 50  
SUMMONS ISSUED N/A  
Case No.: LOCAL RULE 4.1 \_\_\_\_\_  
WAIVER FORM \_\_\_\_\_  
MCF ISSUED \_\_\_\_\_  
BY DPTY. CLK. F.O.M  
DATE 7/6/04

04 11516 JLT

DEFENDANT INTERSTATE BRANDS CORPORATION'S  
NOTICE OF REMOVAL

To: The Honorable Judges of the  
United States District Court  
District of Massachusetts

Pursuant to 28 U.S.C. § 1441 and §1446(a) and (b), Defendant Interstate Brands Corporation ("IBC"), removes to this Court the State Action described below:

1. On April 16, 2004, Plaintiff Maurice Violette ("Violette") filed an action in the Commonwealth of Massachusetts captioned *Maurice A. Violette v. Interstate Brands Companies*. This action was docketed as Case No. BRCV2004-00405-B in the Superior Court, County of Bristol, Commonwealth of Massachusetts. (hereafter "State Court Action")

2. This Court has jurisdiction over Plaintiff's State Court Action pursuant to 28 U.S.C. §1332, and the action may be removed to this Court pursuant to 28 U.S.C. § 1441, in that it is a civil action in which the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different

states.

3. Plaintiff's Petition asserts a claim for age discrimination under M.G.L. Chapter 151B.

4. There is complete diversity of citizenship. Plaintiff is a citizen and resident of Bristol County, Massachusetts. (Petition ¶ 1) Defendant IBC is not a citizen of Massachusetts. Defendant IBC's principal place of business is located in Kansas City, Missouri. Defendant IBC is incorporated under the laws of the State of Delaware.

5. Defendant IBC denies liability and denies Plaintiff's assertions of damage. Plaintiff alleges no specific amount in controversy but, based upon the Plaintiff's allegations, the alleged amount in controversy is more than \$75,000, exclusive of interest and costs. Plaintiff alleges that the conduct of Defendant IBC violated the Massachusetts Act Against Discrimination causing him to suffer damages for lost wages, including back pay, front pay and compensatory damages. Plaintiff also prays for punitive damages.

6. Although the Plaintiff's Petition does not specify the amount of damages sought, it is within this Court's purview to make an independent evaluation of the value of Plaintiff's claim. *Pakledinaz v. Consolidated Rail Corporation*, 737 F.Supp. 47, 48 (E.D. Mich. 1990)(employment discrimination claim seeking unspecified damages raised a claim in excess of the jurisdictional amount). For instance, "[w]hen the complaint does not contain a demand for a specific monetary amount, the court may look to the petition for removal (citations omitted), or make an independent appraisal of the monetary value of the claim." *Corwin Jeep Sales & Service v. American Motors Sales Corporation*, 670 F.Supp. 591, 596 (M.D. Pa. 1986). While Defendant IBC

denies that the Plaintiff in this action has suffered any damages whatsoever, it is clear that the damages claimed in this action exceed the jurisdictional minimum of \$75,000. *LaValley v. Quebecor World Book Services LLC*, 315 F.Supp.2d 136, 141 (D.Mass. 2004)(employment discrimination claim was properly removed from the Superior Court of Bristol County where "The Notice of Removal alleges that the amount in controversy exceeds \$75,000, Notice of Removal ¶3, and it does not appear to a legal certainty that the claim is really for less than [\$75,000],")

7. Defendant IBC first received notice of this lawsuit on June 14, 2004 when it was served. Pursuant to 28 U.S.C. § 1446(b), Defendant IBC is filing this Notice of Removal within thirty (30) days after the receipt by Defendant IBC of a copy of the complaint.

8. All pleadings and papers that have been filed and served in the state court action are attached to this Notice as Exhibit A. Plaintiff has not served upon Defendant IBC any other process, pleadings or orders.

9. Defendant IBC will file in the Superior Court, County of Bristol, Commonwealth of Massachusetts, Defendant's Notice of Removal of Action to Federal Court, a copy of which is attached hereto as Exhibit B, and a copy of this Notice of Removal.

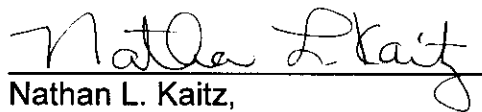
10. Defendant will serve written notice to Adverse Party of Removal to Federal Court, a copy of which is attached hereto as Exhibit C, and a copy of this Notice of Removal.

11. Defendant IBC requests that the above-captioned matter, now pending

against it in the Superior Court, County of Bristol, Commonwealth of Massachusetts, Case No. 03CV-218492, be removed to this Court.

WHEREFORE, Defendant IBC notifies this Court, Plaintiff and the Superior Court, County of Bristol, Commonwealth of Massachusetts that this action has been removed to the United States District Court for the District of Massachusetts.

Respectfully Submitted,



Nathan L. Kaitz,  
Morgan, Brown & Joy, LLP  
One Boston Place  
Boston, Massachusetts 02108  
Tel: 617-523-6666  
Fax: 617-367-3125

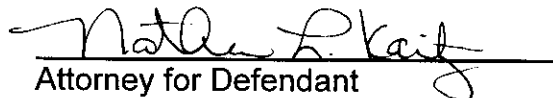
-and-

James R. Holland  
Gregory D. Ballew  
Bioff Finucane Coffey Holland & Hosler, LLP  
104 West Ninth Street, Suite 400  
Kansas City, Missouri 64105-1718  
TEL: (816) 842-8770  
FAX: (816) 842-8767

ATTORNEYS FOR DEFENDANT  
INTERSTATE BRANDS CORPORATION

**Certificate of Service**

I certify that a true copy of the forgoing notice was served by regular U.S. mail, postage pre-paid, this 6<sup>th</sup> day of July 2004 to Christopher C. Trundy, 240 Union Street, P.O. Box 1203, New Bedford, MA 02741-1203, attorney for plaintiff.



Attorney for Defendant

{00066472.v1}4

**EXHIBIT A**

**COPY**

**BRISTOL, SS.**

**COMMONWEALTH OF MASSACHUSETTS  
SUPERIOR COURT DEPT.  
No.**

**MAURICE A. VIOLETTE,  
Plaintiff,**

**v.**

**INTERSTATE BRANDS COMPANIES,  
Defendant.**

**COMPLAINT  
AND DEMAND FOR TRIAL BY JURY**

1.) The plaintiff Maurice A. Violette ("Violette") is a natural person, resident of Bristol County, Massachusetts;

2.) The defendant Interstate Brands Companies ("Interstate") is a corporate entity doing business in the Commonwealth of Massachusetts;

**COUNT I [M.G.L. Chapter 151B, §4; Age Discrimination]**

3.) In 1989, the plaintiff became an account manager for My Bread Baking Co. in New Bedford, MA;

2.) Subsequently, the defendant Interstate assumed control of My Bread Baking Co; and the plaintiff became an employee of Interstate, at which time he began reporting to Interstate management on June 1, 2002;

3.) The plaintiff was then one of ten similarly situated account managers;

4.) The plaintiff was and continued to be as competent, productive and successful as any of the other account managers;

5.) On April 8, 2003 the plaintiff was told by Tom Bradford, General Manager, plant 87 in Biddeford, ME that he was being terminated as part of a downsizing program. He was not

provided with any further information regarding other terminations orally or in writing; however, less competent and substantially younger similarly situated account managers were retained by management;

6.) The plaintiff was 60 years old; one of the oldest account managers in the group;

7.) The plaintiff was terminated on account of his age;

8.) The termination of the plaintiff was in violation of Massachusetts General Laws Chapter 151B et seq.;

9.) The plaintiff has lost back pay, future pay, benefits and suffered compensatory damages as a consequence of the termination;

10.) The termination of the plaintiff was a knowing violation of law and the plaintiff is further entitled to punitive damages.

#### **ADMINISTRATIVE EXHAUSTION**

The plaintiff has timely filed his complaint with the Massachusetts Commission Against Discrimination, as required by state law, and has removed such complaint with the consent of the agency to pursue this legal action.

#### **DEMAND FOR TRIAL BY JURY**

The plaintiff hereby demands trial by jury.


#### **REQUEST FOR RELIEF**

WHEREFORE, the plaintiff hereby demands the following relief:

1.) Damages, including back pay, front pay, compensatory damages and punitive damages as allowed by law; and,

2.) All such other relief as the law and equity may allow.

**RESPECTFULLY SUBMITTED,  
BY MAURICE VIOLETTE'S COUNSEL,**



Christopher C. Trundy BBO#555622  
240 Union St.  
P.O. Box 1203  
New Bedford, MA 02741-1203  
(508) 984-4000



Form #42

COMMONWEALTH OF MASSACHUSETTS

BRISTOL, ss.

SUPERIOR COURT DEPT. OF THE TRIAL COURT

CIVIL ACTION

[SEAL]

No. BRCV2004-00405-B

MAURICE A. VIOLETTE, Plaintiff (s)

v.

INTERSTATE BRANDS COMPANIES, Defendant(s)

(TO PLAINTIFF'S ATTORNEY :

PLEASE INDICATE TYPE OF ACTION INVOLVED :—

TORT — MOTOR VEHICLE TORT — CONTRACT —

EQUITABLE RELIEF ~~✗~~ OTHER.) [employment discrimination]

SUMMONS

TO THE ABOVE-NAMED DEFENDANT:

You are hereby summoned and required to serve upon \_\_\_\_\_  
christopher C. Trundy

plaintiff's attorney, whose address is 240 Union St., Box 1203, New Bedford, MA 02740

an answer to the complaint which is herewith served upon you, within (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this Court at Taunton either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13 (a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

Witness, Hon. Suzanne V. Del Vecchio, Adm. Justice of the Superior Court Dept. of the Trial Court, at Taunton, the 16th day of April, in the year of our Lord two thousand and four.

*Mary Harte Esq.*  
Magistrate

NOTES.

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.
3. If the Commonwealth or an officer of agency thereof is a defendant, the time to be inserted is 60 days.

NOTICE TO DEFENDANT — You need not appear personally in Court to answer the complaint, but if you claim to have a defense, either you or your attorney must serve a copy of your written answer within 20 days as specified herein and also file the original in the Clerk's Office.

**PROOF OF SERVICE OF PROCESS**

I hereby certify and return that on 6-14-, 2004, I served a copy of the within summons, together with a copy of the complaint in this action, upon the within-named defendant, in the following manner (See Mass. R. Civ. P. 4 (d) (1-5) :

A true copy  
Attest

Dated: 6-14-, 2004.

*George J. Bluff*  
*Assistant Clerk*

N.B. TO PROCESS SERVER: —

PLEASE PLACE DATE YOU MAKE SERVICE ON DEFENDANT IN THIS BOX ON THE ORIGINAL AND ON COPY SERVED ON DEFENDANT.

6-14-, 2004.

COMMONWEALTH OF MASSACHUSETTS  
SUPERIOR COURT DEPT.  
OF THE TRIAL COURT  
CIVIL ACTION  
No.

Plaintiff (s)

v.

Defendant (s)

SUMMONS  
(Mass. R. CIV. P. 4)

**CIVIL ACTION  
COVER SHEET**Superior Court Department  
County: \_\_\_\_\_

PLAINTIFF(S)

MAURICE A. VIOLETTE

DEFENDANT(S)

INTERSTATE BRANDS COMPANIES

ATTORNEY, FIRM NAME, ADDRESS AND TELEPHONE

Christopher C. Trundy BBO#555622  
240 Union St., P.O. Box 1203, New Bedford, MA  
Board of Bar Overseers number: 02740-1203 (508) 984-4000

ATTORNEY (if known)

## Origin code and track designation

Place an x in one box only:

- ☒ 1. F01 Original Complaint
- ☐ 2. F02 Removal to Sup.Ct. C.231,s.104  
(Before trial) (F)
- ☐ 3. F03 Retransfer to Sup.Ct. C.231,s.102C (X)

- ☐ 4. F04 District Court Appeal c.231, s. 97 & 104 (After trial) (X)
- ☐ 5. F05 Reactivated after rescript; relief from judgment/Order (Mass.R.Civ.P. 60) (X)
- ☐ 6. E10 Summary Process Appeal (X)

## TYPE OF ACTION AND TRACK DESIGNATION (See reverse side)

CODE NO.

TYPE OF ACTION (specify)

TRACK

IS THIS A JURY CASE?

B22

Employ. Disc.

( F )

( x ) Yes

( ) No

The following is a full, itemized and detailed statement of the facts on which plaintiff relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.

## TORT CLAIMS

(Attach additional sheets as necessary)

## A. Documented medical expenses to date:

1. Total hospital expenses ..... \$ .....
2. Total Doctor expenses ..... \$ .....
3. Total chiropractic expenses ..... \$ .....
4. Total physical therapy expenses ..... \$ .....
5. Total other expenses (describe) ..... \$ .....

Subtotal \$ .....

## B. Documented lost wages and compensation to date

\$ unknown

## C. Documented property damages to date

\$ unknown

## D. Reasonably anticipated future medical and hospital expenses

\$ .....

## E. Reasonably anticipated lost wages

\$ .....

## F. Other documented items of damages (describe)

\$ .....

## G. Brief description of plaintiff's injury, including nature and extent of injury (describe)

\$ .....

\$ .....

**TOTAL \$ unknown**

## CONTRACT CLAIMS

(Attach additional sheets as necessary)

Provide a detailed description of claim(s):

TOTAL \$ .....

PLEASE IDENTIFY, BY CASE NUMBER, NAME AND COUNTY, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT

none

"I hereby certify that I have complied with the requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods."

Signature of Attorney of Record

DATE: 04/16/04

Commonwealth of Massachusetts  
County of Bristol  
The Superior Court

CIVIL DOCKET# BRCV2004-00405-B

RE: Violette v Interstate Brands Companies

TO: Christopher C Trundy, Esquire  
240 Union Street  
PO Box 1203  
New Bedford, MA 02741-1203

**TRACKING ORDER - F TRACK**

You are hereby notified that this case is on the fast (F) track as per Superior Court Standing Order 1-88. The order requires that the various stages of litigation described below must be completed not later than the deadlines indicated.

**STAGES OF LITIGATION**

**DEADLINE**

Service of process made and return filed with the Court	07/15/2004
Response to the complaint filed (also see MRCP 12)	09/13/2004
All motions under MRCP 12, 19, and 20 filed	09/13/2004
All motions under MRCP 15 filed	09/13/2004
All discovery requests and depositions completed	02/10/2005
All motions under MRCP 56 served and heard	03/12/2005
Final pre-trial conference held and firm trial date set	04/11/2005
Case disposed	06/10/2005

The final pre-trial deadline is not the scheduled date of the conference. You will be notified of that date at a later time.

**Counsel for plaintiff must serve this tracking order on defendant before the deadline for filing return of service.**

**This case is assigned to session B sitting in CtRm 2 (Fall River) at Bristol Superior Court.**

Dated: 04/16/2004

Marc J. Santos  
Clerk of the Courts

BY: Mark A. Ferriera  
Assistant Clerk

Location: CtRm 2 (Fall River)  
Telephone: (508) 672-4464

Disabled individuals who need handicap accommodations should contact the Administrative Office of the Superior Court at (617) 788-6130

Check website as to status of case: <http://ma-trialcourts.org/tcic>

c:\etec\_2\wpd 362167\jlcoc01 cases

**EXHIBIT B**

**COMMONWEALTH OF MASSACHUSETTS**  
**BRISTOL, SS. SUPERIOR COURT DEPARTMENT**  
**No. BRCV2004-00405-B**

**MAURICE A. VIOLETTE,**  
**Plaintiff,**

**v.**

**INTERSTATE BRANDS CORPORATION,**  
**Defendant.**

**NOTICE OF REMOVAL OF ACTION TO FEDERAL COURT**

To: Clerk  
Bristol County Superior Court  
9 Court Street, Room 13  
Taunton, MA 02780

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1441 and 1446, a Notice of Removal (with attachments thereto) and a Notice to Opposing Counsel of Notice of Removal are being filed this day with the Clerk of the United States District Court for the District of Massachusetts. Copies of said Notice of Removal and a Notice to Opposing Counsel of Notice of Removal are attached hereto.

  
Nathan L. Kaitz,  
Morgan, Brown & Joy, LLP  
One Boston Place  
Boston, Massachusetts 02108  
Tel: 617-523-6666  
Fax: 617-367-3125

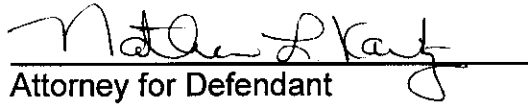
-and-

James R. Holland  
Gregory D. Ballew  
Bioff Finucane Coffey Holland & Hosler, LLP  
104 West Ninth Street, Suite 400  
Kansas City, Missouri 64105-1718  
TEL: (816) 842-8770  
FAX: (816) 842-8767

ATTORNEYS FOR DEFENDANT  
INTERSTATE BRANDS CORPORATION

**Certificate of Service**

I certify that a true copy of the forgoing notice was served by regular U.S. mail, postage pre-paid, this 6<sup>th</sup> day of July 2004 to Christopher C. Trundy, 240 Union Street, P.O. Box 1203, New Bedford, MA 02741-1203, attorney for plaintiff.

  
Attorney for Defendant

**EXHIBIT C**



**COMMONWEALTH OF MASSACHUSETTS**  
**BRISTOL, SS. SUPERIOR COURT DEPARTMENT**  
**No. BRCV2004-00405-B**

**MAURICE A. VIOLETTE,**  
**Plaintiff,**

**v.**

**INTERSTATE BRANDS CORPORATION,**  
**Defendant.**

**DEFENDANT'S NOTICE TO ADVERSE PARTY  
OF REMOVAL TO FEDERAL COURT**

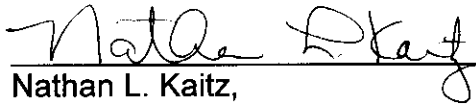
**TO PLAINTIFF AND HIS ATTORNEY:**

PLEASE TAKE NOTICE that Defendant Interstate Brands Corporation has removed this action from this Court to the United States District Court for the District of Massachusetts.

Defendant has attached to this Notice a copy of the Notice of Removal filed with the United States District Court for the District of Massachusetts.

Dated this 6<sup>th</sup> day of July 2004.

Respectfully Submitted,



Nathan L. Kaitz,  
Morgan, Brown & Joy, LLP  
One Boston Place  
Boston, Massachusetts 02108  
Tel: 617-523-6666  
Fax: 617-367-3125

-and-

James R. Holland  
Gregory D. Ballew  
Bioff Finucane Coffey Holland & Hosler, LLP  
104 West Ninth Street, Suite 400  
Kansas City, Missouri 64105-1718  
TEL: (816) 842-8770  
FAX: (816) 842-8767

ATTORNEYS FOR DEFENDANT  
INTERSTATE BRANDS CORPORATION

**Certificate of Service**

I certify that a true copy of the forgoing notice was served by regular U.S. mail, postage pre-paid, this 6<sup>th</sup> day of July 2004 to Christopher C. Trundy, 240 Union Street, P.O. Box 1203, New Bedford, MA 02741-1203, attorney for plaintiff.

  
Attorney for Defendant

JS 44 (Rev. 3/99)

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

Maurice A. Violette

(b) County of Residence of First Listed Plaintiff Bristol  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Christopher C. Trundy  
240 Union St., PO Box 1203  
New Bedford, MA 02741-1203  
(508) 984-4000

## DEFENDANTS

Interstate Brands Corporation

County of Residence of First Listed  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

Nathan L. Kaitz  
Morgan, Brown & Joy, One Boston Place  
Boston, MA 02108  
(617) 523-6666

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☒ 1 ☐ DEF 1 Incorporated or Principal Place of Business in This State ☐ 4 ☐ DEF 4
- Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business in Another State ☐ 5 ☒ 5
- Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIW C/DIW W (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fed Determination Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act		

## V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Age discrimination in employment. Removed based on diversity,  
28 U.S.C. Secs. 1332 and 1441.

VII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE

DOCKET NUMBER

DATE  
July 6, 2004  
FOR OFFICE USE ONLY

SIGNATURE OF ATTORNEY OF RECORD

Nathan L. Kaitz

RECEIPT # AMOUNT APPLYING IF JUDGE MAG. JUDGE

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

1. TITLE OF CASE (NAME OF FIRST PARTY ON EACH SIDE ONLY) Maurice A. Violette v. Interstate Brands Corporation

2. CATEGORY IN WHICH THE CASE BELONGS BASED UPON THE NUMBERED NATURE OF SUIT CODE LISTED ON THE CIVIL COVER SHEET. (SEE LOCAL RULE 40.1(A)(1)).

- \_\_\_ I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.
- X II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820\*, 830\*, 840\*, 850, 890, 892-894, 895, 950. \*Also complete AO 120 or AO 121 for patent, trademark or copyright cases
- \_\_\_ III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- \_\_\_ IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- \_\_\_ V. 150, 152, 153.

3. TITLE AND NUMBER, IF ANY, OF RELATED CASES. (SEE LOCAL RULE 40.1(G)). IF MORE THAN ONE PRIOR RELATED CASE HAS BEEN FILED IN THIS DISTRICT PLEASE INDICATE THE TITLE AND NUMBER OF THE FIRST FILED CASE IN THIS COURT.

None

4. HAS A PRIOR ACTION BETWEEN THE SAME PARTIES AND BASED ON THE SAME CLAIM EVER BEEN FILED IN THIS COURT?

YES NO

5. DOES THE COMPLAINT IN THIS CASE QUESTION THE CONSTITUTIONALITY OF AN ACT OF CONGRESS AFFECTING THE PUBLIC INTEREST? (SEE 28 USC §2403)

YES NO

IF SO, IS THE U.S.A. OR AN OFFICER, AGENT OR EMPLOYEE OF THE U.S. A PARTY?

YES NO

6. IS THIS CASE REQUIRED TO BE HEARD AND DETERMINED BY A DISTRICT COURT OF THREE JUDGES PURSUANT TO TITLE 28 USC §2284?

YES NO

7. DO ALL OF THE PARTIES IN THIS ACTION, EXCLUDING GOVERNMENTAL AGENCIES OF THE UNITED STATES AND THE COMMONWEALTH OF MASSACHUSETTS ("GOVERNMENTAL AGENCIES"), RESIDING IN MASSACHUSETTS RESIDE IN THE SAME DIVISION? - (SEE LOCAL RULE 40.1(D)).

YES NO

A. IF YES, IN WHICH DIVISION DO ALL OF THE NON-GOVERNMENTAL PARTIES RESIDE?

EASTERN DIVISION CENTRAL DIVISION ~~WESTERN DIVISION~~

B. IF NO, IN WHICH DIVISION DO THE MAJORITY OF THE PLAINTIFFS OR THE ONLY PARTIES, EXCLUDING GOVERNMENTAL AGENCIES, RESIDING IN MASSACHUSETTS RESIDE?

EASTERN DIVISION CENTRAL DIVISION WESTERN DIVISION

(PLEASE TYPE OR PRINT)

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